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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,565	12/04/2003	Hiroyuki Nishimori	0229-0784P	5477
2292	7590	05/17/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			JULES, FRANTZ F	
			ART UNIT	PAPER NUMBER

3617

DATE MAILED: 05/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/726,565

Applicant(s)

HIROYUKI NISHIMORI

Examiner

Frantz F. Jules

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7 and 8 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 9 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/04/2003</u>  | 6) <input type="checkbox"/> Other: ____                                     |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahiro (JP 2000225811).

3. Claims 1, 4, and 9

Takahiro discloses an ATV radial tire of a block pattern in which a plurality of blocks (3a, 3b, 3c, 3d) are disposed on a tread surface at distances from one another, wherein said blocks includes a chamfered block (3b or 3c or 3d) as shown in figs. 1-2, said chamfered block including a notch identified by r1 or r2 which comprises an inclined surface obtained by chamfering a corner between an upper surface of the block and a wall surface of the block on an outer side edge of the block which is directed outward of a vehicle when the tire is mounted on the vehicle, see abstract section. The chamfer block occupying 50 to 100% of the total number of blocks.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahiro in view of Takahashi (EP 1,074,405 A1).

Claim 2-3

Regarding using an angle of the notch of 30 to 60 degrees on the upper surface of the block and a height of the notch in its radial direction that is 25 to 50% of a height of the block as recited in claims 2-3, It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Takahiro to include the use of an angle of the notch of 30 to 60 degrees on the upper surface of the block and a height of the notch in its radial direction that is 25 to 50% of a height of the block in his advantageous system as taught by Takahashi, as tire block design is a common and everyday occurrence throughout the vehicle tire design art and the specific use of an angle of the notch of 30 to 60 degrees on the upper surface of the block and a height of the notch in its radial direction that is 25 to 50% of a height of the block would have been an obvious matter of design preference depending upon such factors as the loading to be carried by the tire, the yield strength of the rubber or elastomer material, the amount of stability one is targeted in the tire; the ordinarily skilled artisan choosing the best stress profile corresponding to a particular loading imposed on the tire which would most optimize the cost and performance of the device for a particular application at hand, based upon the above noted common design criteria.

6. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahiro and Takahashi as applied to claim 1 above, and further in view of Sumitomo (JP 11-245637 A).

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## Claims 7-8

Regarding using a land ratio of an inner side of the tire equator which is greater than that of a land ratio of an outer side of the vehicle or a land ratio of the inner side of the vehicle from the tire equator which is 1.1 to 1.5 times the land ratio of the outer side of the vehicle as recited in claims 2-3, It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Takahiro and Takahashi to include the use of a land ratio of an inner side of the tire equator which is greater than that of a land ratio of an outer side of the vehicle or a land ratio of the inner side of the vehicle from the tire equator which is 1.1 to 1.5 times the land ratio of the outer side of the vehicle in his advantageous system as taught by Sumitomo, as tire aspect ratio design is a common and everyday occurrence throughout the vehicle tire design art and the specific use of a land ratio of an inner side of the tire equator which is greater than that of a land ratio of an outer side of the vehicle or a land ratio of the inner side of the vehicle from the tire equator which is 1.1 to 1.5 times the land ratio of the outer side of the vehicle would have been an obvious matter of design preference depending upon such factors as the loading to be carried by the tire, the yield strength of the rubber or elastomer material, the amount of stability one is targeted in the tire; the ordinarily skilled artisan choosing the best stress profile corresponding to a particular loading imposed on the tire which would most optimize the cost and performance of the device for a particular application at hand, based upon the above noted common design criteria.

***Allowable Subject Matter***

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7. Claims 5-6, 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Takahashi, Iwamura, Watanabe et al, and Bridgeston are cited to show related tire comprising blocks with chamfered edges.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz F. Jules whose telephone number is (703) 308-8780. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph S. Morano can be reached on (703) 308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantz F. Jules  
Examiner  
Art Unit 3617

FFJ

May 9, 2004

FRANTZ F. JULES  
PATENT EXAMINER

